## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:24-cv-47-GCM

CHARLES W. HANEY, II,	)
Plaintiff,	)
VS.	ORDER
NORTH CAROLINA DEPARTMENT	)
OF CORRECTION, et al.,	)
Defendants.	) )

**THIS MATTER** is before the Court on Plaintiff's pro se Letter [Doc. 7] that is construed as a Notice of Voluntary Dismissal.

The incarcerated pro se Plaintiff, proceeding in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983, addressing incidents that allegedly occurred at the Wilkes Correctional Center. [Doc. 1]. On May 7, 2024, the Complaint was dismissed on initial review and the Plaintiff was granted the opportunity to amend. [Doc. 6].

On May 15, 2024, the Plaintiff filed a Letter stating that he "[does not] wish to prosue this case any further." [Doc. 7 at 1] (errors uncorrected). The Plaintiff has attached to the Letter the Clerk of Court's May 3, 2024 Order granting him leave to proceed in forma pauperis and directing the prison to transmit partial payments of the filing fee. [Doc. 7-1; see Doc. 5].

On May 20, 2024, the Court entered an Order notifying the Plaintiff of its intent to construe the Letter as a Notice of Voluntary Dismissal without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and granting him 14 days within which to object. [Doc. 8]. He was cautioned that, "[s]hould the Plaintiff fail to file timely objections, this action will be

dismissed and closed without further notice." [Id. at 2]. The Plaintiff has not objected and the time to do so has expired.

Plaintiff's Letter is, therefore, construed as a Notice of Voluntary Dismissal pursuant to Rule 41(a), and this case will be dismissed without prejudice and closed pursuant to Rule 41(a).

**IT IS THEREFORE ORDERED** that Plaintiff's Letter [Doc. 7] is construed as a Notice of Voluntary Dismissal and this action is **DISMISSED WITHOUT PREJUDICE.** 

IT IS SO ORDERED.

Signed: June 20, 2024

Graham C. Mullen

United States District Judge